

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Hughesville Public Library)	File No. SLD-291024
Hughesville, Pennsylvania)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: October 31, 2003

Released: November 3, 2003

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Hughesville Public Library (Hughesville), Hughesville, Pennsylvania.¹ Hughesville requests review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).² For the reasons set forth below, we deny Hughesville's Request for Review.

2. In its decision, SLD explained that Hughesville had signed and submitted its FCC Form 471 certification before the allowable contract date, in violation of the Commission's competitive bidding requirements.³ Hughesville argues that although it signed its contract for

¹ Letter from Lena K. Carichner, Hughesville Public Library, to Federal Communications Commission, filed August 9, 2002 (Request for Review).

² *Id.*

³ The Commission's rules provide that, with one limited exception for existing, binding contracts, an eligible school, library, or consortium that includes eligible schools or libraries must seek competitive bids for all services eligible for support. 47 C.F.R. §§ 54.504, 54.511(c). In accordance with the Commission's rules, an applicant must file with SLD, for posting to its website, an FCC Form 470 requesting services. *See* Schools and Libraries Universal Service, Description of Services Requested and Certification Form, OMB 3060-0806 (November 2001) (FCC Form 470). The applicant must wait 28 days before entering into an agreement with a service provider for the requested services and submitting an FCC Form 471 requesting support for the services ordered by the applicant. 47 C.F.R. § 54.504(c); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (November 2001) (FCC Form 471). The purpose of the 28-day waiting period is to ensure that prospective service providers have sufficient time to prepare and submit competitive bids for the services requested in the FCC Form 470. SLD posted Hughesville's Funding Year 2002 FCC Form 470 to its website on December 17, 2001, with an allowable contract date of January 14, 2002. *See* FCC Form 470, Hughesville Public Library, filed December 17, 2001. *See also* Letter from the Schools and Libraries Division, Universal Service Administrative Company, to Lena

service before the allowable contract date, SLD should be reversed because the contract was signed by its board president on the only day that the president was available for a two week time period.⁴ Hughesville also states that it had only 21 days to review and decide on its contract.⁵ We find that SLD's decision is consistent with our precedent and affirm substantially for the reasons stated by SLD.⁶

3. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Hughesville Public Library, Hughesville, Pennsylvania on August 9, 2002 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

K. Carichner, Hughesville Public Library, dated July 1, 2002 (Administrator's Decision on Appeal); Letter from the Schools and Libraries Division, Universal Service Administrative Company, to Lena K. Carichner, dated April 24, 2002 (Funding Commitment Decision Letter).

⁴ Request for Review. Hughesville states that its contract was signed on January 8, 2002, and its Block 6 certifications and signature page was mailed on January 11, 2002.

⁵ *Id.*

⁶ See *Request for Review of the Decision of the Universal Service Administrator by Minor High School, Federal-State Joint Board On Universal Service Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 13790, 13792 (Com. Car. Bur. 2000) (a signature date on an FCC Form 471 or on a service provider agreement that predates the expiration of the 28-day posting period indicates that the applicant failed to wait 28 days before entering into an agreement with a service provider and therefore violated the Commission's competitive bidding rules). See also *Request for Review of the Decision of the Universal Service Administrator by Cathedral Grade School, Federal-State Joint Board on Universal Service Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-87608, CC Docket Nos. 96-45 and 97-21, Order, DA 99-2953 (Com. Car. Bur. rel. December 21, 1999); *Request for Review of the Decision of the Universal Service Administrator by Currituck County Schools, Federal-State Joint Board On Universal Service Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 5564 (Com. Car. Bur. 2000).